Vote No. 22

March 5, 1998, 11:05 am Page S-1387 Temp. Record

HIGHWAY REAUTHORIZATION (ISTEA)/Alcohol Drive-Through Window Ban

SUBJECT: Intermodal Surface Transportation Efficiency Act of 1997 . . . S. 1173. Bingaman/Byrd modified amendment No. 1696 to the committee modified substitute amendment.

ACTION: AMENDMENT REJECTED, 43-56

SYNOPSIS: As reported, S. 1173, the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1997, will reauthorize for 6 years the Federal-aid highway, highway safety, and other surface transportation programs. A total of \$145 billion will be authorized, which represents a 20-percent nominal and 5-percent real increase over the previous 6-year authorization. (Due to a filibuster, S. 1171 was returned to the calendar last year, and Congress passed S. 1519 to provide a 6-month extension of the highway bill instead.)

The committee modified substitute amendment would make changes to correct certain technical violations of the Budget Act. (Initially, the bill had been reported with technical amendments; when the bill was under consideration last year (see 105th Congress, 1st session, vote Nos. 271-272, 275, 277-278, and 282), those amendments were consolidated by unanimous consent into a single perfecting amendment. When the Senate resumed debate on the bill this year, the amendment was modified to be a substitute amendment, and other pending amendments that filled parliamentary openings for offering amendments were withdrawn.)

The Bingaman/Byrd modified amendment would penalize any State that did not pass and enforce a law to ban the sale of alcohol through drive-up or drive-through sales windows. A State that did not adopt such a law by fiscal year (FY) 2002 would lose 5 percent of its FY 2002 highway apportionment funds, and would lose 10 percent of such funds for each subsequent fiscal year it failed to have in place such a law. If a State had funds reduced in FY 2002, and then came into compliance before the end of the fiscal year, it would receive any of the withheld funds that remained available.

Those favoring the amendment contended:

(See other side)							
YEAS (43)			NAYS (56)			NOT VOTING (0)	
Republicans (9 or 17%)	Democrats (34 or 76%)		Republicans (45 or 83%)		Democrats (11 or 24%)	Republicans (0)	Democrats (0)
Coats D'Amato DeWine Domenici Hatch Lugar Smith, Gordon Specter Warner	Akaka Biden Bingaman Boxer Bumpers Byrd Cleland Conrad Daschle Dodd Dorgan Durbin Feinstein Glenn Harkin Hollings Inouye	Johnson Kennedy Kerrey Kerry Lautenberg Levin Lieberman Mikulski Moseley-Braun Moynihan Murray Robb Rockefeller Sarbanes Torricelli Wellstone Wyden	Abraham Allard Ashcroft Bennett Bond Brownback Burns Campbell Chafee Cochran Collins Coverdell Craig Enzi Faircloth Frist Gorton Gramm Grams Grams Grassley Gregg Hagel Helms	Hutchinson Hutchison Inhofe Jeffords Kempthorne Kyl Lott Mack McConnell Murkowski Nickles Roberts Roth Santorum Sessions Shelby Smith, Bob Snowe Stevens Thomas Thompson Thurmond	Baucus Breaux Bryan Feingold Ford Graham Kohl Landrieu Leahy Reed Reid	McCain	Absent ed Yea ed Nay

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The Bingaman amendment would direct the States to ban liquor drive-through windows, and it would impose exactly the same penalties on noncomplying States as the previous two amendments on alcohol would impose. Drive-through banking, quick marts where one can purchase a quart of milk, and many similar conveniences are beneficial, helping people keep up with the hectic pace of the modern world. Some things, however, should not be made convenient. Purchasing alcohol is certainly among them. Do alli"-49.84Tjil647.